IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5348 of 2007()

CRIME NO. 213/06 OF CHINGAVANAM POLICE STATION

PETITIONERS/ACCUSED NOS. 6 TO 8

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1. BIJU UTHAMAN, S/O.UTHAMAN,
CHELERA COLONY, SAJIVOTHAMAPURAM,
KURICHI, KOTTAYAM DISTRICT.

2. OMANAKUTTAN, S/O.SANTHAMMA,
ANJALASSERY HOUSE, KURICHI, KOTTAYAM DISTRICT.

3. SOJAN AUGUSTINE, S/O.AUGUSTINE,
KURUSUMMOOTTIL HOUSE, MALAKUNNAM,
KURICHI, KOTTAYAM DISTRICT.

BY ADV. SRI.BABU S. NAIR
SMT.DEEPTHI S.MENON

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED
BY THE SUB INSPECTOR OF POLICE,
CHINGAVANAM POLICE STATION-THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5348 of 2007

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Dated this the 1st day of October, 2007

O R D E R

Application for anticipatory bail. The petitioners face allegations under Section 326 r/w. 34 I.P.C. The investigation was completed earlier. Final report was filed also. Subsequently there has been a direction to conduct further investigation. The petitioners are arrayed as accused now after further investigation. There has been substitution of accused persons. The petitioners are now arrayed as Accused 2, 3 and 4, it is submitted. The petitioners have already made themselves available for interrogation as per the interim order dt. 11.9.2007.

2. The learned counsel for the petitioners submits that the petitioners can now be granted anticipatory bail, subject to appropriate conditions. When they appeared for interrogation, they were released by the Investigating Officer as per the directions issued on 11.9.2007, it is submitted.

3. I am, in these circumstances, satisfied that anticipatory bail can be granted to the petitioners.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall appear before the learned Magistrate on 8.10.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays for a period of one month and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 8.10.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 8.10.2007 as directed in clause (1) above, they shall be released on bail on

their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 8.10.2007.

(R. BASANT)
Judge

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